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7 **UNITED STATES DISTRICT COURT**

8 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

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10 IN RE: SOCIAL MEDIA ADOLESCENT
11 ADDICTION/PERSONAL INJURY
PRODUCTS LIABILITY LITIGATION

MDL No. 3047

Case Nos.: 4:22-md-03047-YGR-PHK

12
13 THIS DOCUMENT RELATES TO:
ALL ACTIONS

**[PROPOSED] ORDER RE JOINT
DISCOVERY LETTER BRIEF ON
PLAINTIFFS' RFP NOS. 16 AND 18
TO GOOGLE LLC AND YOUTUBE,
LLC (DKT. NO. 1197)**

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15 Judge: Hon. Yvonne Gonzalez Rogers
Magistrate Judge: Hon. Peter H. Kang

1 The Court hereby ORDERS the following regarding PI/SD Plaintiffs' Requests for
 2 Production ("RFP") Nos. 16 and 18 to Defendants YouTube, LLC and Google, LLC (together,
 3 "Defendants"), pursuant to the Court's Discovery Management Conference on October 24, 2024.

4 a) With regard to RFP No. 16, which seeks "[d]ocuments sufficient to show all
 5 features, classifiers, data sets, dimensions, and/or demographics that [Defendants]
 6 use to categorize users of, or accounts on, [the YouTube Platform] [,]" Plaintiffs
 7 have agreed to limit this RFP to three categories (user research, advertising, and
 8 growth teams) and YouTube claims lack of relevance and undue burden.
 9 Accordingly, the Parties are directed to meet and confer on the following:

10 i) Plaintiffs are directed to identify to Defendants the existing document
 11 custodians within the above three categories (user research, advertising,
 12 growth) who Plaintiffs believe are likely to possess documents responsive
 13 to RFP 16.

14 ii) The Parties will meet and confer in the event that Defendants object to
 15 Plaintiffs' list of identified document custodians, to reach agreement on the
 16 custodians that YouTube will consult pursuant to section (iii) below. To the
 17 extent any dispute remains, the Parties will update the Court in the
 18 November Discovery Management Conference Statement.

19 iii) YouTube, in turn, will consult with each agreed upon or Court-ordered
 20 identified custodian regarding the existence of non-privileged schemas,
 21 protos, software architecture documents (excluding source code),
 22 demographic surveys, user questionnaires, or other like documents that
 23 identify or describe all, or a substantial number, of the categories used by
 24 YouTube to categorize users for purposes of user research, advertising,
 25 and/or engagement.

26 iv) YouTube shall produce, subject to section (v) below, any non-privileged
 27 unproduced documents that the consulted custodians identify, are
 28 responsive to Plaintiffs' RFP 16, and can be located.

v) To the extent that Defendants cannot locate a responsive non-privileged unproduced document that a consulted custodian identified or otherwise object to production of such a document as unduly burdensome or disproportional, the Parties will meet and confer to reach agreement on the scope of production of documents responsive to RFP No. 16. To the extent any dispute remains, the Parties will update the Court in the November Discovery Management Conference Statement.

vi) YouTube shall not limit production of responsive documents, in particular user surveys and questionnaires, to only those that relate to “minors”.

b) With regard to RFP No. 18, which seeks documents that “constitute, identify, describe, or discuss any analysis of the demographics of users of [the YouTube Platform] [,]” the Parties have reached agreement as to this RFP with respect to production of responsive documents relating to age and gender, but have not reached agreement as to production of race/ethnicity demographics. Accordingly, the Parties are directed to meet and confer as follows regarding production of responsive documents pertaining to race/ethnicity:

i) Plaintiffs are directed to identify to Defendants (1) the types of documents regarding analyses of race and/or ethnicity that they are seeking through this Request; and (2) the existing document custodians who Plaintiffs believe are likely to possess those types of documents responsive to RFP 18, as it relates to race/ethnicity.

ii) The Parties will meet and confer in the event that Defendants object to Plaintiffs’ identification of document types and/or list of identified document custodians, including based on burden or proportionality, to reach agreement on the scope of a search of documents responsive to RFP No. 18. To the extent any dispute remains, the Parties will update the Court in the November Discovery Management Conference Statement.

IT IS SO ORDERED

DATE:

Hon. Peter H. Kang
United States District Court Magistrate Judge

1 DATED: October 30, 2024

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ATTESTATION

12 I, Lauren Gallo White, hereby attest, pursuant to N.D. Cal. Civil L.R. 5-1(i)(3), that the
13 concurrence to the filing of this document has been obtained from each signatory hereto.

15 | Dated: October 30, 2024

By: s/ Lauren Gallo White
Lauren Gallo White